

JOHN F. COOK
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
J. ALEXANDRO LOZANO, DISTRICT 3
MELINA CASTRO, DISTRICT 4
PRESI ORTEGA, JR., DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**AGENDA FOR
REGULAR COUNCIL MEETING, COUNCIL CHAMBERS
TUESDAY, JANUARY 17, 2006
9:00 A.M.**

ROLL CALL

Invocation – Police Chaplain Clift Barnes
Pledge of Allegiance

RECOGNITIONS

**INTRODUCTION OF DR. LORENZO GARCIA AS THE NEW SUPERINTENDENT OF
THE EL PASO INDEPENDENT SCHOOL DISTRICT**

PRESENTATION OF CONQUISTADOR AWARD TO DR. RICHARD TESCHNER

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

CONSENT AGENDA

1. APPROVAL OF MINUTES: [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for Regular City Council Meeting of January 3, 2006 and Special City Council Meetings of November 28, 2005 (Debt Management) and December 20, 2005 (Housing Authority).

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

3. RESOLUTIONS:

- 3A.** That the City Manager be authorized to: (i) file an application with the Federal Aviation Administration (FAA), authorizing the continuation of the Passenger Facility Charge (PFC) at the El Paso International Airport (the Airport); (ii) expend revenues from the PFC at the Airport, in accordance with the Airport's Capital Improvement Program; (iii) submit all required assurances, understandings, and related documentation contained in the application or requested by the FAA; and (iv) designate the Director of Aviation as the authorized representative of the City of El Paso to act in connection with the application. **(District 3)** [Airport, Patrick T. Abeln, (915) 780-4724]
- 3B.** That the City Manager be authorized to sign a GSA Modification P504 of Contract GS-07P-UKM-1055 between the City of El Paso and the U.S. General Services Administration and other GSA/Federal forms as required for the design, completion and construction of the Storm Drain System for the Santa Fe Bridge and Paso Del Norte Port of Entry Expansion Project within City property. Project #: PPWFLO3047; Fund: 27707; Department: 31255013; Account: 508016. **(District 8)**
[Deputy City Manager, Infrastructure and Development, Patricia D. Adauto, (915) 541-4853]
- 3C.** That the City Manager be authorized to sign a Contract between the City of El Paso and Lucille A. Ponticelli, to employ Lucille A. Ponticelli as an Economic Development Manager for the Economic Development Department, at a biweekly rate of \$3,073.00, for 40 hours per week. The term of the contract shall be for the period of February 1, 2006 through January 31, 2007. Fund Source: 72010268-01101-72000-501011
[Economic Development, David G. Dobson, (915) 541-4674]
- 3D.** That the City Manager be authorized to sign a Consultant Agreement by and between the CITY OF EL PASO and RABA-KISTNER Consultants (SW), Inc., for citywide geotechnical and materials testing services, in an amount not to exceed TWO HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$250,000.00). **(All Districts)** [Engineering Department, Rick Conner, (915) 541-4200]
- 3E.** That the City Manager be authorized to sign a Consultant Services Agreement by and between the CITY OF EL PASO and AMEC EARTH & ENVIRONMENTAL, INC., for geotechnical and materials testing services on an "as needed" basis for a period of one (1) year in an amount not to exceed TWO HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$250,000.00). **(All Districts)**
[Engineering Department, Rick Conner, (915) 541-4200]
- 3F.** That the El Paso City-County Emergency Management Plan (Basic Plan), also known as the Emergency Operations Plan (Basic Plan) for the City and County of El Paso be approved and the Mayor authorized to sign and submit to the State Governor's Division of Emergency Management. That the Mayor be further authorized to sign and execute any modification or additions made at the request of the State Governor's Division of Emergency Management. **(All Districts)**
[Fire Department, Donald Berger, (915) 771-1011]

- 3G.** That the City Manager be authorized to sign a Contract between the City of El Paso and Marco Antonio Ramos, to employ Marco Antonio Ramos as a Financial and Benefits Systems Administrator for the Office of Management and Budget, at a biweekly rate of \$2,307.70, for 40 hours per week. The term of the contract shall be for the period of January 18, 2006 through January 17, 2008. Fund Source: 04010020-501011-01101
[Office of Management and Budget, David Almonte, (915) 541-4011]
- 3H.** That the City Manager be authorized to sign a Contract between the City of El Paso and Ron Graham to employ Ron Graham as a Network Systems Manager for the Information Technology Department, at a biweekly rate of \$2,634.61, for 40 hours per week. The term of the contract shall be for the period of January 18, 2006 through January 17, 2007. Fund Source: 39010351-501000-01101
[Information Technology, Tony Montoya, (915) 541-4288]
- 4.** Placing a lien on the following properties (legal description on file with the City Clerk) and in the following amounts for work performed by the City pursuant to Chapter 9.04 **(All Districts)** [Environmental Services, Ellen A. Smyth, (915) 621-6719] (See attachment A)
- 5. RESIDENTIAL STREET LIGHT(S):** Approve installation, power, and maintenance of residential street light(s) at the following location(s):

Northwest corner of Mansfield Ave. and Riverview Circle Cost \$899 (District 7)
Department ID No. 01153010, Account No. 504420, Fund No. 16507
[Representative Steve Ortega, (915) 541-4124]
- 6. APPLICATIONS FOR TAX REFUND:** [Tax Office, Juan Sandoval, (915) 541-4369]
That the tax refunds listed on the attachment posted with this agenda be approved.
(See attachment B)
- 7. BEST VALUE PROCUREMENT:**
This contract shall be awarded to the bidder who provides the best value to the City. The City may consider price and other relevant criteria listed in the request for bids.
- | | | |
|----------------------------|----------|--|
| Solicitation No: | 2006-006 | El Paso Rehabilitation Center Roof/HVAC |
| Location: | | 101 E. Schuster Ave, El Paso, Texas 79901 |
| Contractor: | | Matyear Construction Co., Inc.
El Paso, Texas |
| Department: | | Community Development |
| Funds Available: | | 71150069-G7130CD0006-07788-508027 |
| Funding Source: | | Community Development (B-04-MC-48-1500-0006) |
| Items: | Base Bid | \$302,000.00 |
| Total Award | | \$302,000.00 |
| Estimated Completion Date: | | April, 2006 |
| District(s): | | 1 |

RECOMMENDATION:

The Departments of Engineering and Community Development recommend the award of

this contract to Matyear Construction Co., Inc., as this Offeror has provided the Best Value Proposal. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract for this award.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

[Financial Services, Byron E. Johnson, (915) 541-4308]

8. BIDS:

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

Solicitation No.	2006-050	Electrical Components & Related Parts
Award to:		Main Auto
		El Paso, Texas
Item(s):		#1
Amount:		\$35,000.00 (estimated annually)
Department:		General Services-Fleet
Funds available:		37370510-503121-45202
Funding source:		Fleet Services Internal Service Fund
Total award:		\$105,000.00 (estimated)
District (s):		All

General Services-Fleet and Financial Services-Purchasing Division recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

The vendor offers the City a prompt payment discount of 2%, 20 days.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

[Financial Services, Jesus M. Juarez, (915) 541-4317]

9. BUDGET TRANSFERS: [Office of Management and Budget, David Almonte, (915) 541-4011]

9A. BT2006-282 AIRPORT

Transfer of funds to cover the cost for the FAA building rehabilitation project.

Increase	\$ 150	to	62620024/PAP003641076/502205	Advertising
Increase	\$ 300	to	62620024/PAP003641076/502302	Printing
Increase	\$ 100	to	62620024/PAP003641076/502304	Postage
Increase	\$33,000	to	62620024/PAP003641076/508027	Construction
Increase	\$33,550	to	62620024/PAP003641076/407001	IntrafndTrnsfln
Increase	\$33,550	to	62620018/P50000241021/407002	EstRevenue
Increase	\$33,550	to	62620018/P50000241021/507001	IntrafndTrnsfO

9B. BT2006-291 ENGINEERING

Engineering proposes to appropriate \$200,000 for swings. Funding source is 1994A COs. **(All Districts)**

Decrease	\$200,000	to	31114001/P50131327042/508027	Construction
Increase	\$200,000	to	31114001/PPA0600127042/508027	Construction

REGULAR AGENDA**10. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:**

**Public comment typically is not taken during the introduction of ordinances.
Public comments are invited at the date of the scheduled public hearing.**

An Ordinance terminating a Special Privilege granted to Chevron U.S.A. Products Company by Ordinance Numbers 011466 and 011699; to Chevron Products Company by Ordinance Number 015502; and to El Paso Refining, Inc. by Ordinance Numbers 010242, 010166 and 010167 to encroach onto portions of public rights-of-way within Trowbridge Drive, Texaco Street and North Loop Drive; and an Ordinance granting a Special Privilege to Western Refining Company, L.P. to permit the construction, installation, maintenance and operation of various multi-product pipelines and utility lines along portions of public right-of-way at Trowbridge Drive and Texaco Road, and to allow the construction and encroachment of an overhead bridge across a portion of public right-of-way along Trowbridge Drive. (Annual Fee: \$9,790.00.00, SP-05026)
(District 3) [Planning, Esther Guerrero, (915) 541-4720]

PUBLIC HEARING WILL BE HELD ON JANUARY 31, 2006 FOR ITEM

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

11. MAYOR AND COUNCIL:

11A. Discussion and action to adopt a City County Committee on Border Issues.
[Representative Jose Alexandro Lozano, (915) 541-4515]

11B. Discussion and action on reappointment and appointment of Municipal Court Associate Judges as recommended by the Health and Public Safety Legislative Review Committee. [Representative Jose Alexandro Lozano, (915) 541-4515]

Re-Appointment of Associate Municipal Court Judges:

Carl Horkowitz
Alfonso Dominguez, Jr.
David A. Rutledge
Andre C. Poissant

Rick Olivo
 Cheryl Sellers Lay
 John A. Needham
 Frank Hart

Appointment of Associate Municipal Court Judges:

David Biagas
 Dave Doeza
 Susan L. Godwin
 Travis Ketner
 Jorge L. Rivas, Jr.
 Bridget Lovett

12. BIDS:

If apparent low bidder is disqualified for any reason, City Council reserves the right to exercise any option legally available under the law by awarding bid to next lowest responsive and responsible bidder even though the bidder is not named on this agenda.

Solicitation No: 2006-039 Dorbandt Circle Street & Drainage Improvements Phase I
 Location: Between Alameda Ave. and Davis Street
 Contractor: J.A.R. Concrete, Inc.
 El Paso, Texas

Department: Streets
 Funds Available: 71150069-G7130CD0023-07839-508027
 31255008-PBE04ST108-27695-508027
 Funding Source: Community Development (B-05-MC-48-0023) and PSB
 Items: Base Bid I \$ 693,143.00
 Base Bid II \$ 81,827.00
 Base Bid III \$ 97,811.00

Total Award: \$ 872,781.00
 Estimated Completion Date: August, 2006
 Districts: 7

RECOMMENDATION:

The Engineering and Streets Departments recommend the award of this contract to J.A.R. Concrete, Inc., the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council. [Financial Services, Byron E. Johnson, (915) 541-4308]

13. BUDGET TRANSFERS: [Office of Management and Budget, David Almonte, (915) 541-4011]

BT2006-280 AIRPORT

Transfer of funds to cover the cost of construction of a roadway to the new golf course as part of the new industrial park project.

Increase	\$ 144,000	to	62620026/PAP001841053/508024	Testing
Increase	\$ 6,000	to	62620026/PAP001841053/508026	Inspections
Increase	\$3,600,000	to	62620026/PAP001841053/508027	Construction
Increase	\$3,750,000	to	62620026/PAP001841053/407001	IntrafndTrnsfln
Increase	\$3,750,000	to	62620018/P50000241021/407002	EstRevenue
Increase	\$3,750,000	to	62620018/P50000241021/507001	IntrafndTrnsfO

14. ECONOMIC DEVELOPMENT:

Discussion and action on request for Hotel, Real and Personal Property, Sales and Beverage Tax relief from Hotel Don Quixote, L.P. to assist in the revitalization of the former International Hotel. **(District 8)** [Economic Development, David G. Dobson, (915) 541-4674]
 POSTPONED FROM 12/20/05 AND 1/10/06

15. PUBLIC HEARINGS – PARKS AND RECREATION:

15A. An Ordinance affirming the use of City property in accordance with an Interlocal Cooperation Agreement between the City of El Paso and Ysleta Independent School District dated August 2, 2005. **(All Districts)**
 [Parks and Recreation, Norman Merrifield, (915) 541-4331]

15B. An Ordinance affirming the use of City property in accordance with an Interlocal Cooperation Agreement between the City of El Paso and El Paso Independent School District dated August 9, 2005. **(All Districts)**
 [Parks and Recreation, Norman Merrifield, (915) 541-4331]

16. PUBLIC HEARINGS – DEVELOPMENT SERVICES-PLANNING:

An Ordinance changing the zoning of Parcel 1: Tract 2D4A and a portion of Tract 2D4, Block 9, Ysleta Grant, El Paso, El Paso County, Texas from R-F (Ranch-Farm) to R-4 (Residential); Parcel 2: A portion of Tract 2D4, Block 9, Ysleta Grant, El Paso, El Paso County, Texas from R-F (Ranch-Farm) to R-4 (Residential); and Parcel 3: A portion of Tract 2D and Tract 2D3, Block 9, Ysleta Grant, El Paso, El Paso County, Texas from R-F (Ranch-Farm) to R-1 (Residential). The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Subject Property: 358 Pendale Road. Applicant: Jose M. Chavez, Jorge Chavez, Leilonli Chavez & Richard Aguilar. ZON05-00098 **(District 7)**
 [Planning, Christina Valles, (915) 541-4930] POSTPONED FROM 1/3/06 AND 1/10/06

17. The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS

Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print or audio tape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov>